

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSÉ RIOS YANEZ,

Plaintiff,

v.

Civil Action No. 3:10CV400

GENE M. JOHNSON, **et al.**,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on July 23, 2010, the Court conditionally docketed the action filed by José Rios Yanez. The Memorandum Order directed Yanez promptly to advise the Court of his new address in the event that he was transferred or relocated. On July 25, 2011, the Court received notice that Yanez was no longer incarcerated. Accordingly, by Memorandum Order on October 25, 2011, the Court, directed Yanez to complete and return a new financial affidavit. On November 1, 2011, the October 25, 2011 Memorandum Order was returned to the Court by the United States Postal Service marked, "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD." Yanez's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. See Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Plaintiff and counsel for Defendants.

It is so ORDERED.

Date: Nov. 17, 2011
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge